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QUESTIONS AND ANSWERS ON ARMS CONTROL AND DISARMAMENT

I. THE ARMS CONTROL AND DISARMAMENT ACT

1. What did the Arms Control and Disarmament Act do?

Answer: It established the Arms Control and Disarmament Agency to explore, develop, recommend, and, if approved by the President, negotiate possible alternatives to the arms race in order to enhance our national security. **The act also provided that no agreement obligating the United States to disarm or reduce its Armed Forces can become effective without prior congressional approval.**

2. Who supported the establishment of the Arms Control and Disarmament Agency?

Answer: Among those supporting the creation of the Agency were President Kennedy and former President Eisenhower; two former Secretaries of Defense, Thomas S. Gates, Jr., and Robert A. Lovett; a former and the current Secretary of State, Christian A. Herter and Dean Rusk; Deputy Secretary of Defense Roswell L. Gilpatric; former Director of Defense Research and Engineering Dr. Herbert York; Atomic Energy Commissioner Leland J. Haworth; two former and the current U.S. Ambassador to the United Nations, Henry Cabot Lodge, James J. Wadsworth, and Adlai Stevenson; former Supreme Allied Commander in Europe, Gen. Alfred M. Gruenther; and the then Chairman of the Joint Chiefs of Staff, Gen. Lyman L. Lemnitzer.

Congress passed the Arms Control and Disarmament Act creating the Agency by a bipartisan vote of 73 to 14 in the Senate on September 6, 1961, and 290 to 54 in the House of Representatives on September 19, 1961.

3. Which is the greater risk—entering into safeguarded arms control and disarmament agreements or continuing the arms race?

Answer: Believing them to be a lesser risk, every administration since the end of World War II has sought safeguarded alternatives to the arms race. Under present world conditions, a strong military establishment remains essential. But as President Kennedy has said, "In a spiraling arms race a nation's security may well be shrinking even as its arms increase." Congress implicitly recognized this when it gave the Arms Control and Disarmament Agency the job of seeking safeguarded alternatives to the arms race.

4. Why was the Arms Control and Disarmament Act passed?

Answer: The threat of nuclear devastation is as important as any question facing our nation and the world today. For this reason, at the time the act was passed, there had been over 70 conferences and meetings, some of them extending over many months, in which both the United States and the Soviet Union had discussed arms control

and disarmament and a ban on nuclear tests since the end of World War II. Since the act was passed, these meetings have continued at an increasing rate and they will certainly continue in the future.

Our Government cannot effectively participate in such discussions unless it is well prepared to answer Soviet arguments and to judge those proposals which could weaken our security and those which would strengthen it. A vast fund of technical information must be available to our negotiators if we are to participate intelligently at the conference table. The Arms Control and Disarmament Agency was created to consolidate and coordinate our research in this field so that this important objective could be realized. Moreover, in passing the Arms Control and Disarmament Act which created the Agency, **Congress provided for more clearly defined congressional supervision over our Government's activities in this area than was the case prior to the passage of the act, thus assuring fuller participation of the people's elected representatives.**

5. How is policy on arms control and disarmament proposals formulated?

Answer: Congress provided for cooperation in arms control and disarmament policy formulation among all interested agencies. Test ban or disarmament recommendations of the Arms Control and Disarmament Agency are considered by the Departments of State and Defense (including the Joint Chiefs of Staff), the Atomic Energy Commission, the National Aeronautics and Space Administration, the special assistants to the President for national security affairs and for science and technology, and other agencies. Negotiations are never undertaken on an important measure until the President has consulted with his key national security advisers and given his approval. In addition, the appropriate congressional committees are kept informed and consulted about such proposals.

6. If agreement is reached on such arms control or disarmament measures as a test ban or disarmament treaty, could the agreement obligate the United States without prior congressional approval?

Answer: No. **Congress provided that no action could be taken that would obligate the United States to disarm without the prior approval of Congress.** The President, the Secretary of State, and the Director of the Arms Control and Disarmament Agency have all said that a test ban agreement would be submitted in the form of a treaty to the Senate for the traditional two-thirds vote. A general disarmament plan such as that proposed by our Government at the Geneva Disarmament Conference would also be submitted to the Senate.

Under section 33 of the Arms Control and Disarmament Act, an agreement obligating the United States to disarm or to reduce its Armed Forces must be approved either in this fashion or by a majority in both Houses. The American people are thus assured that no disarmament agreement could be put into effect without the approval of their elected representatives.

7. Did Congress create a "superagency" by passing the Arms Control and Disarmament Act?

Answer: No. The Agency is one of the smallest in Government. It had about 200 employees as of July 1, 1963, and its budget for fiscal year 1963 is \$6.5 million, of which \$4 million is for research.

The Agency's authority is limited by the Act under which Congress gave it four principal tasks—

(a) to carry out and coordinate a program of research in the field of arms control and disarmament;

(b) to make recommendations on the basis of this research to the President and to the heads of the agencies concerned with our national security;

(c) after such recommendations are finally approved, to provide direction and support for negotiations in the arms control and disarmament field; and

(d) to prepare for and, where appropriate, direct U.S. participation in such detection and inspection systems as may be established to verify that all parties to an arms control or disarmament agreement live up to its terms.

8. Is it true that under section 47 of the Arms Control and Disarmament Act the President has unlimited authority to transfer vast sums or personnel to the Agency?

Answer: No. Section 47(a) authorized the transfer of the unexpended balance of funds in the Disarmament Administration, the small organization in the State Department which preceded the Arms Control and Disarmament Agency. The amount actually transferred was about \$830,000.

Section 47(b) of the act, authorizing the President to transfer to the Agency any activities or facilities, including funds or civilian personnel, which relate "primarily to arms control and disarmament," requires that such a transfer be made only *after* a report has been made to Congress and a period of 60 days has elapsed while Congress is in session. Thus, the statutory provision does not give the President carte blanche authority to transfer funds or personnel to the Agency. **Neither does it give him authority to transfer American military forces to the United Nations, as some have asserted.**

The purpose of this section of the Act was to facilitate the efficient administration of U.S. arms control and disarmament activities. Such a provision is quite common in legislation that vests existing responsibilities in a new agency. However, no transfer of funds or personnel has yet been made pursuant to this subsection.

9. What provisions are contained in the Arms Control and Disarmament Act to protect our security by preventing unauthorized access to classified information?

Answer: Section 45(a) of the Act provides that security requirements for Agency personnel should "not be less stringent" than those of the Government agency or agencies having the "highest security restrictions." Section 45(a) also requires a most intensive investigation of the background of all prospective employees of the Agency by the Federal Bureau of Investigation or the Civil Service Commission.

The provisions of section 45(b) require that Agency personnel be

cleared by the Atomic Energy Commission before receiving classified atomic energy data needed in the performance of their duties. This section contains an additional safeguard which requires that the Atomic Energy Commission make an independent finding that the Agency's security procedures and standards are adequate before such information may be received.

10. Is it true that under section 31(k) of the Arms Control and Disarmament Act the Director of the Agency can call out the Armed Forces of our country to enforce his disarmament proposals?

Answer: Absolutely not. Section 31 is limited to research activities related to arms control and disarmament and subsection (k) concerns research on the "methods for the maintenance of peace and security during different stages of arms control and disarmament." **Neither this nor any other section of the act authorizes the Director to call out the Armed Forces of our country.**

II. THE TREATY OUTLINE ON GENERAL AND COMPLETE DISARMAMENT IN A PEACEFUL WORLD

1. What is the "Outline of Basic Provisions of a Treaty on General and Complete Disarmament in a Peaceful World"?

Answer: It is a document which provides a blueprint of the executive branch position on general and complete disarmament, elaborating on the nature, sequence, and timing of specific disarmament measures. It represents the most comprehensive and specific series of proposals the United States or any other country has ever made on disarmament. It was submitted at the Geneva Disarmament Conference on April 18, 1962, as a negotiating instrument after having been developed by the Arms Control and Disarmament Agency in consultation with other agencies such as the Departments of State and Defense, the Joint Chiefs of Staff, the Atomic Energy Commission, the National Aeronautics and Space Administration, and the Central Intelligence Agency. This "Treaty Outline" is available to the public through the Arms Control and Disarmament Agency in a booklet entitled "Blueprint for the Peace Race," and supersedes the original State Department pamphlet entitled "Freedom From War."

2. What does the treaty outline on general and complete disarmament provide?

Answer: In general, the U.S. proposals contemplate reductions in our armaments by about one-third in each of three stages, both of the first two stages lasting 3 years each. The duration of the last stage has not been specified because the ultimate goal of complete disarmament in a peaceful world cannot be achieved without major changes in today's world. The outline provides that each nation would retain those forces necessary to maintain internal order and protect the personal security of citizens when and if this goal is achieved. Transition from one stage to the next would be subject to our determination that all parties to the treaty were living up to all their obligations under the treaty. In addition, our Government proposes effective means for inspection and for verifying that disarmament measures are being observed. Finally, the proposals of the executive branch would require that, throughout the disarmament process, nations use all available means for the peaceful settlement of disputes, including the means afforded by the United Nations.

3. Could such proposals be carried out in today's world?

Answer: No. Provisions of the treaty outline, such as those requiring that nations settle all their disputes peacefully, would, if successfully negotiated and approved by Congress, necessitate major changes in their outlook toward world affairs by many nations, including the Soviet bloc countries. The United States would not be prepared to enter into later stages of the plan unless such changes had occurred.

4. Why, then, does the United States not stop emphasizing general disarmament and concentrate instead on arms control and disarmament agreements that might be implemented in the near future?

Answer: The United States does concentrate on achieving more limited agreements while still retaining general and complete disarmament as the ultimate objective. Foremost among these are a safeguarded nuclear test ban and measures to reduce the risk of war, such as the recent agreement to establish a direct communications link between Washington and Moscow. The United States believes it useful, however, to continue to let the world know the ultimate goal of its disarmament proposals and how it proposes to achieve that goal. **The goal has been described as a "free, secure, and peaceful world of independent states adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law."**

5. Are the negotiations on general and complete disarmament at the Geneva Disarmament Conference serving any useful purpose so long as no agreement of this kind is in sight?

Answer: Yes. Our Government has not had and does not have any illusions that progress on general and complete disarmament could be swift. Nevertheless, the negotiations in Geneva have provided the United States with an unusual opportunity to communicate its views to other nations of the world. The oversimplified Soviet propaganda slogan of "general and complete disarmament in 4 years," has sometimes sounded impressive to other nations in the United Nations debates because procedural limitations prevented a probing analysis. At the Geneva Conference, however, adequate opportunity is provided for full analysis and lengthy debate by our negotiators. As a result, non-Soviet bloc participants at the Conference have been able to perceive the wholly unrealistic and superficial context of the Soviet slogan. The U.S. "Treaty Outline for General and Complete Disarmament in a Peaceful World," represents a comprehensive, realistic, and specific series of proposals through which we have communicated to the other nations present our sincere desire for a meaningful disarmament agreement. Moreover, the Geneva Conference has served a useful purpose in providing a forum for the discussion of the more limited agreements referred to in the preceding answer.

6. Does the U.S. proposal for general and complete disarmament contemplate "unilateral" disarmament by just this country?

Answer: No. The U.S. proposal does not call for disarmament only by this country; it specifically requires that the arms and armed forces of all parties to an agreement be proportionately reduced "in a manner that will not affect adversely the security of any state," and is conditioned on the establishment of an effective system to verify compliance.

7. Would our proposed general and complete disarmament program serve to destroy our sovereign independence and place us under a United Nations military dictatorship?

Answer: No. The U.S. disarmament proposals are directed toward achieving greater security for the United States, its traditional institutions, and its citizens by providing for the progressive reduction of the warring capabilities of all nations. The overall U.S. goal is

the establishing of a free, secure, and peaceful world of *independent states* adhering to common standards of justice and international conduct and subjecting the use of force to the rule of law.

The executive branch proposal does call for the eventual establishment of a permanent United Nations Peace Force. This does not commit the United States in advance to a policy or course of action which requires us to accept or support such a force at some future date. The proposal is in the form of an outline of provisions of a treaty. **Such a treaty, under the Constitution, would have to be approved by the U.S. Senate.** Before we would proceed with the establishment of such a force, we would have complete freedom to satisfy ourselves not only that disarmament was taking place, but that the necessary political changes were taking place to insure that disputes would be settled peacefully and that the individual integrity and independence of each nation would be preserved against encroachments from outside by way of force or violence.

There is no question but that all of these steps would have to be thoroughly acceptable to the United States before the Peace Force could assume a responsibility for helping to keep the peace between nations. The United States would have to be satisfied that profound changes in the world had occurred. Conditions would have to exist which would deprive communism of its ability to threaten our way of life. Should these conditions be attained, the executive branch feels that its proposal would strengthen our independence, not destroy it. It would help proclaim the doctrines of the Declaration of Independence rather than render them obsolete. It would strengthen freedom, not support dictatorship.

8. Does the American treaty outline for general and complete disarmament contemplate putting a United Nations international peace force under the control of the United Nations Under Secretary for Political and Security Council Affairs who has been a Soviet national?

Answer: Absolutely not. A misconception exists regarding the function of the United Nations Secretariat's Under Secretary for Political and Security Council Affairs. By an understanding among the five permanent members of the Security Council (the United States, the United Kingdom, France, China, and the Soviet Union) a national of each country serves in a post of Under Secretary rank. The position usually assigned the Soviets through this understanding is that of Under Secretary for Political and Security Council Affairs. It is worth noting, however, that of 18 Secretariat posts with Under Secretary rank 12 are filled by Americans or citizens of countries with which we are formally allied, while only two are filled by Soviet bloc nationals.

The Political and Security Council Affairs Division advises the Security Council on general problems and procedures of pacific settlements, regional affairs, and services to commissions. Generally, this Under Secretary is concerned with the execution of the Secretariat's administrative responsibilities in carrying out Security Council decisions. He has no military functions, and has nothing to do with any peace or police force. **No Communist has ever commanded or directed any of the armed forces which have been made available to the United Nations.**

9. Could the executive branch, through the treaty making power of the President, put its disarmament proposals into effect under the United Nations Charter without further congressional action?

Answer: No. The executive branch has no intention of doing this either through a disarmament agreement or under the United Nations Charter. Moreover, the United Nations Charter is a treaty and it cannot be amended in any way affecting the United States without undergoing the treaty procedures set forth in the U.S. Constitution. In other words, our relationship to the United Nations under the U.N. Charter could not be altered unless the U.S. Senate approved of such a change by a two-thirds vote.

10. Could the President independently conclude a disarmament treaty or executive agreement that would deprive U.S. citizens of their constitutional rights?

Answer: No. Under section 33 of the Arms Control and Disarmament Act, any treaty or agreement obligating the United States to disarm **must be approved by Congress before it can become effective.** It would be subject to extensive debate and analysis, and Congress could refuse to approve it if there were any question of a violation of constitutional provisions.

In this connection, the Supreme Court of the United States did not hold in the 1920 case of *Missouri v. Holland* (252 U.S. 416), as some assert, that in a conflict between the provisions of the Constitution and a treaty, the conflict must be resolved in favor of the treaty. The Court carefully noted in that case that the treaty involved was not inconsistent with any specific provision of the Constitution and Justice Holmes stated:

We do not mean to imply that there are no qualifications to the treaty-making power.

In the Supreme Court case of *Reid v. Covert* (354 U.S. 1 (1957)), the Court said:

* * * No agreement with a foreign nation can confer power on the Congress, or any other branch of Government, which is free from the restraints of the Constitution * * * The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined * * * It would be completely anomalous to say that a treaty need not comply with the Constitution. * * *

11. Are the economic impacts of disarmament being studied by the Arms Control and Disarmament Agency?

Answer: Yes, continuing studies are being sponsored by the Agency on the alternate utilization of human resources for those presently engaged in the defense effort. Economists are generally agreed that the gradual conversion which would be required could be carried out with a minimum of adjustment difficulties while sustaining a high level of employment.

12. Do U.S. disarmament proposals require the registration or confiscation of privately owned firearms?

Answer: No. U.S. arms control and disarmament policy is fully consistent with the right of the people to keep and bear arms as guaranteed by the second amendment to the U.S. Constitution. No power to infringe upon this constitutional right is given or could be given under the Arms Control and Disarmament Act. Neither is it

contemplated under disarmament treaty proposals. These are aimed at reducing the warrmaking capabilities of nations, not at regulating privately owned sporting firearms in the hands of individual citizens.

13. Is it not futile to try to negotiate a disarmament treaty with the Communists when they cannot be trusted?

Answer: The executive branch does not believe that Soviet failure to live up to particular agreements in the past is a reason to abandon efforts to reach agreement. Such a course would afford no opportunity to deal with a matter extremely vital to our security—the ever-expanding nuclear arms race and the international instabilities created by it. Moreover, as pointed out in the answer to the next question, there are reasons why the Soviet Union may wish to adhere to a general disarmament treaty.

In any event, the executive branch disarmament proposals do not contemplate taking the Communists on trust. As Adm. Arthur W. Radford, former Chairman of the Joint Chiefs of Staff, stated in testimony before the Disarmament Subcommittee of the Senate Foreign Relations Committee, "It is our feeling * * * that the element of trust would be eliminated by a proper control system." That is why the Arms Control and Disarmament Agency has worked so diligently on disarmament proposals that would be safeguarded by provisions that would permit the United States to verify that the Soviet Union and other countries are living up to any agreement which might be reached. Under present world conditions, we believe such an organized effort to find some peaceful way to bring the armaments of the world under control is essential in the interest of our national security.

14. Why would the Communists agree to disarm when their objective is world domination?

Answer: Although the Communists have never rejected their avowed objective of world domination, their efforts to attain this objective could well involve means they may consider preferable to war. No country wants to be devastated by a nuclear holocaust; even the side that "wins" in such a war would have an empty victory. Moreover, considering the military might of the United States, the prospect of a general war should not be a very attractive one to the Communists. Dedicated Communists exhibit a fanatical belief in the ultimate success of the Communist ideology and may well believe their objectives can better be accomplished through political, economic, and social means in the absence of arms. Under our system, we will be able to compete successfully with the Communists in these fields and victory would not be won at the cost of worldwide devastation.

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